

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 06-3030-01/02-CR-S-GAF</b>
	)	
<b>ANGELA NEWTON and</b>	)	
<b>KEVIN NEWTON,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Now pending before the Court is defendants' Motion to Dismiss for Double Jeopardy and Motion to Dismiss for "Petite Policy" Violation. Defendants argue that they have suffered a double jeopardy violation because they were charged with the same crime in state and federal court.

On May 23, 2006, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #31). On June 1, 2006, Defendant's Objection to the Report and Recommendation of United States Magistrate (Doc. #33) was filed.

Upon careful and independent review of the pending motion, defendants' objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendants' Motion to Dismiss for Double Jeopardy and Motion to Dismiss for "Petite Policy" Violation (Docs. #28 and #19) are OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner  
GARY A. FENNER, JUDGE  
United States District Court

DATED: September 1, 2006